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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,261	08/29/2003	Frederick B. Harris	5266-08801	1957
44015	7590	05/11/2007		
OPTV/MEYERTONS RORY D. RANKIN P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER SALCE, JASON P	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 05/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/652,261	Applicant(s) HARRIS, FREDERICK B.	
	Examiner Jason P. Salce	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Applicant Arguments/Remarks Made in an Amendment, filed 2/16/2007, with respect to the rejection(s) of claim(s) 1-23 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dunn in view of Klosterman.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8, 10-11, 15-18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (U.S. Patent No. 5,945,987) in view of Klosterman (U.S. Patent No. 6,453,471).

Referring to claim 1, Dunn discloses a method for conveying individualized content in a distributed computer system (see Column 2, Lines 23-36).

Dunn also discloses broadcasting a plurality of modules from a server to a plurality of client devices (see Figure 1 for a headend connected to a plurality of client devices and Column 12, Lines 48-57 for transmitting a plurality of modules from a server to a client device), the plurality of modules having a unique module number (see

Figure 7 and Column 9, Lines 10-29 for each trailer having a moniker/unique module number).

Dunn also discloses sending search criteria from a client device of the plurality of client devices to the server, subsequent to said broadcasting (see Column 12, Lines 19-25).

Dunn also discloses receiving the search criteria at the server and identifying a qualifying module number, which corresponds to the search criteria (see Column 12, Lines 26-32).

Dunn also discloses sending the qualifying module number to the client device (see Column 12, Lines 32-36).

Dunn also discloses receiving the qualifying module number at the client device (see again Column 12, Lines 32-36).

Dunn also discloses retrieving a first module in response to matching the received qualifying module number to said first module (see Column 12, Lines 42-57).

Dunn is silent as to a broadcast carousel being used to cyclically transmit the modules on a single channel, therefore said plurality of modules are not broadcast responsive to a client request and further allowing the client device to retrieve a first module of said modules at the client device from the single channel (in the broadcast carousel).

Klosterman discloses broadcasting a plurality of modules in a broadcast carousel from a server to a plurality of client devices on a single channel (see carousel 902 in Figure 10 and Column 10, Lines 43-46), as well as, retrieving a first module of said

modules at the client device from the single channel, in response to a unique module number (see Column 10, Lines 20-28). The examiner notes that since the plurality of modules are transmitted in a single channel of a broadcast carousel, that the modules in turn are not broadcast responsive to a client request, because the modules are continually transmitted over the single channel.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the trailer distribution system, as taught by Dunn, to include the carousel trailer distribution system, as taught by Klosterman, for the purpose of requiring less bandwidth to transmit multiple trailers in a single broadcast stream/channel (see Column 10, Lines 45-46 of Klosterman).

Referring to claim 2, Dunn further discloses displaying information corresponding to the first module on a display associated with said client device (see Figure 9).

Referring to claim 3, Dunn further discloses a viewer generating a video request based upon said displayed information (see step 240 in Figure 13), said video being associated with said first module (see step 236 in Figure 13 and tables 110, 118, 116 and 120 in Figures 7-8).

Dunn also discloses sending said video request to said server (see step 242 in Figure 13).

Dunn also discloses sending a video corresponding to said video request from the server to the client device (see step 246 in Figure 13).

Referring to claim 8, Dunn further discloses sending a selected advertisement associated with the search request to the client device (see step 256 in Figure 14).

Referring to claims 10, 16, 18 and 20, see the rejection of claim 1.

Referring to claims 11, 17 and 22, see the rejection of claim 3.

Referring to claim 21, see the rejection of claim 2.

Referring to claims 15, 19 and 23, see the rejection of claim 8.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (U.S. Patent No. 5,945,987) in view of Klosterman (U.S. Patent No. 6,453,471)

Referring to claim 9, Dunn and Klosterman discloses all of the limitations in claim 1, but fails to teach that each of said programs comprise a plurality of modules (trailers).

The examiner takes Official Notice to the fact of providing multiple trailers for display to viewer, wherein the multiple trailers correspond to a single video.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the amount of trailers corresponding to a single program that are transmitted, for the purpose of allowing a viewer to select between different trailers for a movie in order to entice the viewer to further purchase the movie for viewing.

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Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (U.S. Patent No. 5,945,987) in view of Klosterman (U.S. Patent No. 6,453,471) in further view of Adams (U.S. Patent No. 6,378,130).

Referring to claim 4, Dunn and Klosterman disclose all of the limitations of claim 3, as well as Dunn further disclosing inserting the requested video in a designated channel location in a broadcast and using the designated channel location to retrieve the requested video from the broadcast at the client device (see Column 4, Line 42 through Column 5, Line 15).

Adams further discloses sending the designated channel location from the server to the client device (see Figure 7 and Column 9, Line 59 through Column 11, Line 20).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the VOD system, as taught by Dunn and Klosterman, to further transmit a message indicated the designated channel location of a requested video from a headend/server to a client device, as taught by Adams, for the purpose of providing an improved media server interconnect from the headend to the set-tops so as to provide more on-demand service versatility and capacity at reasonable cost (see Column 6, Lines 11-14 of Adams).

Referring to claim 12, see the rejection of claim 4.

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Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (U.S. Patent No. 5,945,987) in view of Klosterman (U.S. Patent No. 6,453,471) in further view of Norsworthy et al. (U.S. Patent No. 6,144,402).

Referring to claim 5, Dunn and Klosterman disclose all of the limitations in claim 3, but fails to teach sending a broadcast time for the requested video to the client device, inserting the requested video in a broadcast at the broadcast time and retrieving the video from the broadcast at the client device at the broadcast time.

Norsworthy discloses sending a broadcast time for the requested video to the client device, inserting the requested video in a broadcast at the broadcast time and retrieving the video from the broadcast at the client device at the broadcast time (see Column 5, Lines 4-44).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the VOD/trailer system, as taught by Dunn and Klosterman, to further utilize the broadcast time transmission method, as taught by Norsworthy, for the purpose of providing an individual with the time sequence that the user would received the requested data (see Column 3, Lines 43-45 of Norsworthy).

Referring to claim 13, see the rejection of claim 5.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (U.S. Patent No. 5,945,987) in view of Klosterman (U.S. Patent No. 6,453,471) in further view of Clay et al. (U.S. Patent No. 7,032,028).

Referring to claim 6, Dunn and Klosterman disclose all of the limitations of claim 3, but fail to teach continuously sending said video from the server until an acknowledgement of receipt is received by the server from the client device.

Clay teaches continuously sending said video from the server until an acknowledgement of receipt is received by the server from the client device (see Column 4, Lines 54-58).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the VOD/trailer system, as taught by Dunn and Klosterman, to further utilize the download completion acknowledgement message, as taught by Clay, for the purpose of providing further gains in communications efficiency can be attained (see Column 1, Lines 59-61 of Clay).

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (U.S. Patent No. 5,945,987) in view of Klosterman (U.S. Patent No. 6,453,471) in further view of Dunn et al. (U.S. Patent No. 5,861,906).

Referring to claim 7, Dunn and Klosterman disclose all of the limitations of claim 3, but fail to teach continuously sending said video from the server for a predetermined period of time.

Dunn ('906 Patent) teaches continuously sending said video from the server for a predetermined period of time/rental time period (see Column 11, Lines 37-53).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the VOD/trailer system, as taught by Dunn and

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Klosterman, to further utilize the continuous transmission of a video program during a rental time period, as taught by Dunn ('906 Patent), for the purpose of providing the tremendous benefit of flexibility (see Column 11, Lines 54-55 of Dunn ('906 Patent)) by allowing a user to view a rented video program at their leisure (see Column 11, Lines 58-59 of Dunn ('906 Patent)).

Referring to claim 14, see the rejection of claim 7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

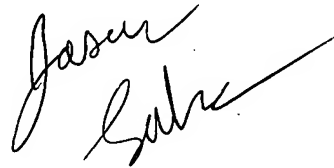
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Jason P Salce
Primary Examiner
Art Unit 2623

May 8, 2007

JASON SALCE
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Jason Salce", written in a cursive style.